

BOARD OF APPEAL REFERRALS

AUGUST 19, 1976

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MEMORANDUM

August 19, 1976

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Robert T. Kenney, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Hearing: 8/10/76

Petition No. Z-3633
Joseph P. Cimino
1192-1198 Commonwealth Avenue, Allston
near Harvard Avenue

One-story masonry structure - local business (L-1) and
general business (B-1) districts.

Purpose: to change occupancy from restaurant-lounge and three stores to
restaurant-lounge.

Violations:

Section 8-7. Restaurant-lounge providing dancing or entertainment or
both is forbidden in an L-1 district.

Section 23-2. Off-street parking not provided on lot.

Expansion without adequate off-street parking facilities will intensify
existing traffic conditions on Commonwealth Avenue. It will also create
noise and nuisance elements. In 1974 the Authority recommended denial
of a similar petition and the Board of Appeal concurred. Recommend
denial.

VOTED: In reference to Petition No. Z-3633, brought
by Joseph P. Cimino, 1192-1198 Commonwealth
Avenue, Allston, for a forbidden use and a
variance for a change of occupancy from
restaurant-lounge and three stores to
restaurant-lounge in local business (L-1)
and general business (B-1) districts, the
Boston Redevelopment Authority recommends
denial. Expansion without adequate off-
street parking facilities will intensify
existing traffic conditions on Commonwealth
Avenue. It will also create noise and
nuisance elements.



Z-3633
1192-1198 COMMONWEALTH AV
(BRI.)

Board of Appeal Referrals 8/19/76

Hearing: 8/31/76

Petition No. Z-3634
Finley Robinson
602-604 Parker Street, Roxbury
at Prentiss Street

Three-story frame structure - local business (L-1) district.

Purpose: to change occupancy from two-family dwelling and store to restaurant and accessory storage.

Violation:

Section 9-2. Extension of a nonconforming use requires Board of Appeal hearing.

Site, located opposite a residential development, is inappropriate for a restaurant which could provide dancing or entertainment. There are no provisions for off-street parking facilities in this heavily congested neighborhood. Residents have expressed opposition. Recommend denial.

VOTED: In reference to Petition No. Z-3634, brought by Finley Robinson, 602-604 Parker Street, Roxbury, for an extension of a nonconforming use for a change of occupancy from a two-family dwelling and store to a restaurant and accessory storage in a local business (L-1) district. the Boston Redevelopment Authority recommends denial. Site is inappropriate, located opposite a residential development. There are no provisions for off-street parking facilities in this heavily congested neighborhood. Residents have expressed opposition.



602-604 PARKER S.
(ROX.)
Z-3634

3

Board of Appeal Referrals 8/19/76

Hearing: 8/31/76

Petition No. Z-3635
Gaetano C. Sabella and Philip F. Feldman
1360-1366A Blue Hill Avenue, Mattapan
at Babson Street

One-story structure - local business (L-1) district.

Purpose: to change occupancy from laundromat, retail stores, offices, distribution of food products, and garage to laundromat, retail stores, offices, distribution of food products, and repair shop garage.

Violations:

Section 8-7. A repair shop garage is conditional in an L-1 district.

Section 9-2. A change in a nonconforming use requires Board of Appeal hearing.

Proposal represents an inappropriate mix of uses. The repair garage, inclusive of auto body work and spray booth, within a building which also accommodates a food products operation, is unwise, unreasonable, and contrary to safety and health standards. Recommend denial.

VOTED: In reference to Petition No. Z-3635, brought by Gaetano C. Sabella and Philip F. Feldman, 1360-1366A Blue Hill Avenue, Mattapan, for a conditional use and a change in a nonconforming use for a change of occupancy from laundromat, retail stores, offices, distribution of food products, and garage to laundromat, retail stores, offices, distribution of food products, and repair shop garage in a local business (L-1) district, the Boston Redevelopment Authority recommends denial. Proposal represents an inappropriate mix of uses. The repair garage inclusive of auto body work and spray booth, within a building which also accommodates a food products operation, is unwise, unreasonable, and contrary to safety and health standards and requirements for conditional use.



Z-3635

1360-1366A BLUE HILL AVENUE
(MATT.)

4

Board of Appeal Referrals 8/19/76

Hearing: 8/31/76

Petition No. Z-3647
Arnold Ginsberg et al.
1 Mount Vernon Street, Dorchester
near Boston Street

One-story masonry structure - apartment (H-1) and local business (L-1) districts.

Purpose: to change occupancy from installation and repair of police radios to food processing and warehouse for food products.

Violation:

Section 9-2. A change in a nonconforming use requires a Board of Appeal hearing.

Use, consisting of processing bakery goods, frosted toppings, and the like, would not be obnoxious nor generate traffic problems. There would be no structural changes. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3647, brought by Arnold Ginsberg et al., 1 Mount Vernon Street, Dorchester, for a change in a nonconforming use for a change of occupancy from installation and repair of police radios to food processing and warehouse for food products in apartment (H-1) and local business (L-1) districts, the Boston Redevelopment Authority recommends approval with the following provisos: that plans be submitted to the Health and Hospitals Department for review; that any noise or odors be effectively confined to the structure; that loading operations be performed within the structure; that sign plans be submitted to the Authority for design review.



Z'-3647

1 MT VERNON ST.
(DOR.)

PARKING
AREA

PARKING
AREA

DORCHESTER
HISTORICAL
SOCIETY

MT VERNON

ST. MARGARET

MAYHEW

ST. MARGARET'S
CONVENT

ROSECLAIR

EDWARD
EVERETT
SQUARE

W. E.
RUSSELL
SCHOOL

Pole Pole

Board of Appeal Referrals 8/19/76

Hearing: 8/31/76

Petition No. Z-3650
Virginia Bethoney
100 Allandale Street, Jamaica Plain
near Elwell Road

Two-story structure - single-family (S-.3) district.

Purpose: to erect two-story stable for the keeping of four horses and storage of grain.

Violation:

Section 8-7. The keeping of horses in a stable at least 100 feet from every residential building on another lot and at least 100 feet from the nearest street is conditional in an S-.3 district.

Petition would legalize an existing condition. Horses are for personal use only. Site abuts City of Boston conservation land and is across the street from the Boston Police stables. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3650, brought by Virginia Bethoney, 100 Allandale Street, Jamaica Plain, for a conditional use to erect a two-story stable for the keeping of four horses and storage of grain in a single-family (S-.3) district, the Boston Redevelopment Authority recommends approval provided that petitioner complies with all health and safety regulations, that all necessary licenses are obtained, and that the horses are for personal use only.

Z-3650
100 ALANDALE ST.
(J.P.)



6

Board of Appeal Referrals 8/19/76

Hearing: 8/31/76

Petition No. Z-3658
Estate of Theodore W. Berenson
367-377 Boylston Street, Boston
near Arlington Street

Six-story structure - general business (B-10-155) district.

Purpose: to change occupancy from stores and offices to store, offices, restaurant, and three schools.

Violation:

Section 8-7. Schools are conditional in a B-10-155 district.

Section 8-7. A restaurant is conditional in a B-10-155 district.

It is proposed to subdivide existing clothing store for restaurant facility. Two schools of dance would be located on second and third floors and school for performing arts on fourth and fifth floors. Uses are consistent with those in the immediate area. Public transportation is proximate to the site. Recommend approval with design review proviso.

VOTED: In reference to Petition No. Z-3658, brought by the Estate of Theodore W. Berenson, 367-377 Boylston Street, Boston, for two conditional uses for a change of occupancy from stores and offices to store, offices, restaurant, and three schools in a general business (B-10-155) district, the Boston Redevelopment Authority recommends approval provided restaurant plans are submitted to the Authority for design review.

Z-3658

367-377 BOYLSTON ST
(B.P.)



Board of Appeal Referrals 8/19/76

Hearing: 8/24/76

Petition No. Z-3664
C & H Company, Inc.
7-9 Newbury Street, Boston
near Arlington Street

Seven-story structure - general business (B-4-70) district.

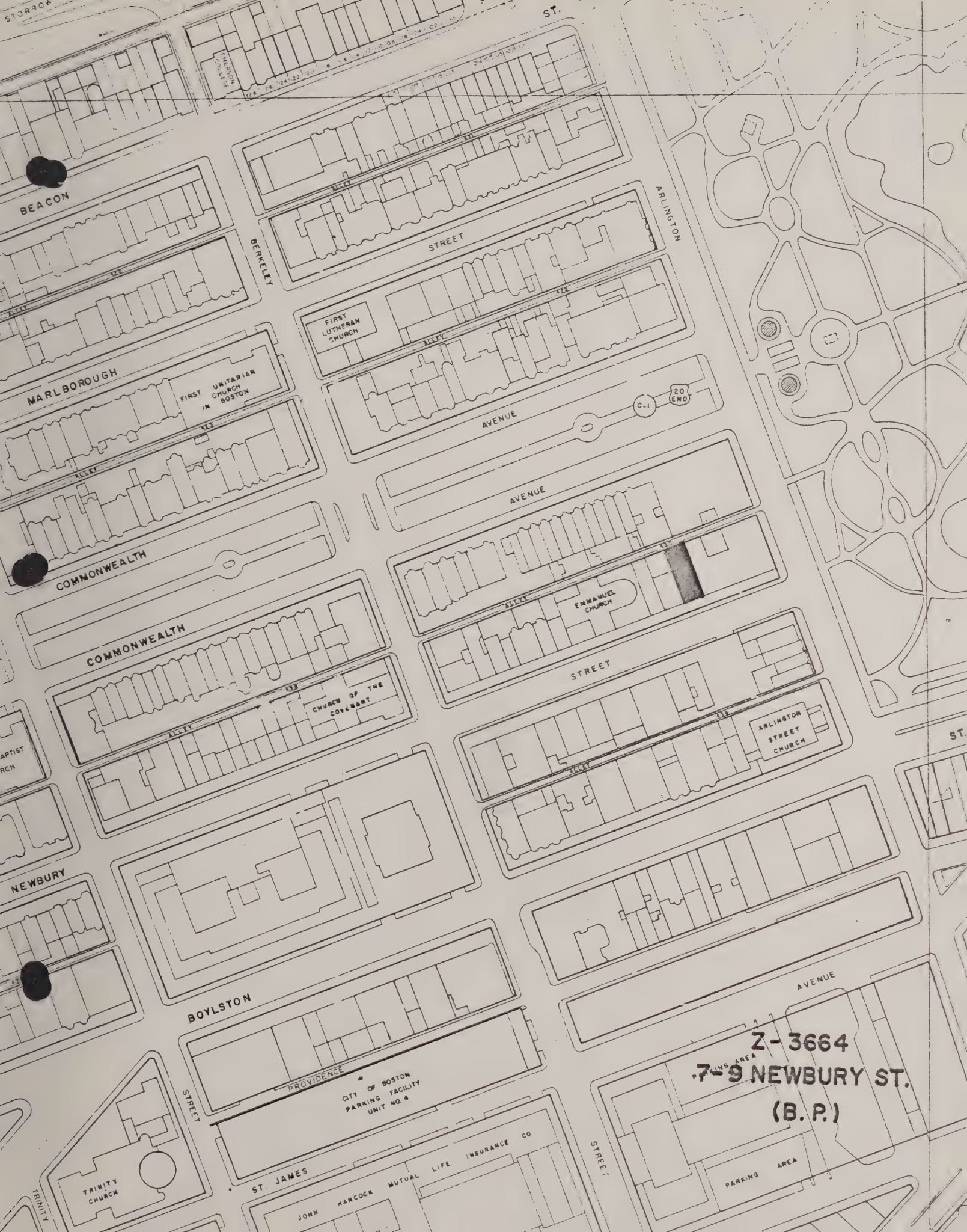
Purpose: to change occupancy from office and store to offices, store,
and school.

Violation:

Section 8-7. A trade, professional, or other school is conditional
in a B-4-70 district.

Proposed school, John Robert Powers Modeling and Finishing School,
would be compatible with other commercial occupancies in this
business district. Recommend approval.

VOTED: In reference to Petition No. Z-3664, brought
by C & H Company, Inc., 7-9 Newbury Street,
Boston, for a conditional use for a change
of occupancy from office and store to offices,
store, and school in a general business
(B-4-70) district, the Boston Redevelopment
Authority recommends approval. Proposed
school would be compatible with other commer-
cial occupancies in this business district.



BEACON

MARLBOROUGH

FIRST UNITARIAN CHURCH IN BOSTON

FIRST LUTHERAN CHURCH

COMMONWEALTH

COMMONWEALTH

CHURCH OF THE COVENANT

STREET

EMMANUEL CHURCH

ARLINGTON STREET CHURCH

BOYLSTON

PROVIDENCE

CITY OF BOSTON PARKING FACILITY UNIT NO. 8

ST. JAMES

JOHN HANCOCK

MUTUAL LIFE INSURANCE CO

Z-3664

7-9 NEWBURY ST.

(B.P.)

PARKING AREA

Board of Appeal Referrals 8/31/76

Hearing: 8/31/76

Petition No. Z-3665
Samuel Hanna
530 VFW Parkway and 247 Manthorne Road,
West Roxbury

Two-story structure - single-family (S-.5) district.

Purpose: to erect one-story accessory storage structure; to use premises for accessory parking.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 9-1. Extension of a nonconforming use requires Board of Appeal hearing.		
Section 18-1. Front yard is insufficient.	30 ft.	10 ft.
Section 19-1. Side yard is insufficient.	12 ft.	3 ft.

Structure accommodates fifteen apartment units and seven doctor's offices. It is proposed to demolish existing dwelling at 247 Manthorne Road, which has been poorly maintained and a neighborhood eyesore, and use the 5,000-square-foot lot for needed additional parking. The small 10-foot by 14-foot frame addition would be located in the rear for storage of tools. Yard deficiencies are existing. Abutters and nearby residents have no objection to the proposal. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3665, brought by Samuel Hanna, 530 VFW Parkway and 247 Manthorne Road, West Roxbury, for an extension of a nonconforming use and two variances to erect a one-story accessory structure and use premises for accessory parking in a single-family (S-.5) district, the Boston Redevelopment Authority recommends approval with the following provisos: that plans, inclusive of landscaping and fencing, be submitted to the Authority for design review; that no entrance or exit be allowed at 247 Manthorne Road.



Z-3665
530 VFW PARKWAY
247 MANTHORNE RD.
(W.R.)

THOMAS J HYNES FIELD

PARKWAY

INDEPENDENCE

Board of Appeal Referrals 8/19/76

Hearing: 8/24/76

Petitions Nos. Z-3666-3667
T T & D Trust
Teresa Gassiraro, Trustee
53-55 and 57 Bayswater Street,
East Boston
at Thurston Street

Two frame structures - 2 and 2½ stories - residential (R-.5) district.

Purpose: to subdivide land and accessory garage.

Violations:	<u>Required</u>	<u>Proposed</u>
Section 14-1. Lot area is insufficient.	2 acres	3,600 sf
Section 14-3. Lot width is insufficient.	200 ft.	40 ft.
Section 14-4. Street frontage is insufficient.	200 ft.	40 ft.
Section 15-1. Floor area is excessive.	0.5	1
Section 17-1. Open space is insufficient.	1,000 sf	426 sf
Section 18-1. Front yard is insufficient.	20 ft.	0
Section 20-2. Accessory building in a rear yard may be no nearer than four feet to a side lot line.		

Subdivision to allow petitioner to construct a swimming pool would not be detrimental to existing residential character of the area. There is no apparent community opposition. Recommend approval.

VOTED: In reference to Petitions Nos. Z-3666-3667, brought by T T & D Trust, 53-55 and 57 Bayswater Street, East Boston, to subdivide land and building in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval. Subdivision would not be detrimental to existing residential character of the area. There is no apparent community opposition.



Z-3666-67
53-55-57 BAYSWATER ST.
(E. B.)

10

Board of Appeal Referrals 8/19/76

Hearing: 8/31/76

Petition No. Z-3676
Emerson College
534-538 Beacon Street, Boston
at Charlesgate East

Ten-story structure - apartment (H-5-70) district.

Purpose: to change occupancy from hotel to dormitory for 300 students.

Violations:

Section 8-6. A change in a conditional use requires Board of Appeal approval.

Section 23-1. Off-street parking not provided on lot.

Structure, former Hotel Fensgate, has been used as a dormitory since 1961. Neighborhood Association of the Back Bay and Back Bay Association have no objection to dormitory for Emerson students only. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3676, brought by Emerson College, 534-538 Beacon Street, Boston, for a conditional use and a variance for a change of occupancy from hotel to dormitory for 300 students in an apartment (H-5-70) district, the Boston Redevelopment Authority recommends approval with the following provisos: that the dormitory be occupied by Emerson students only, that no classroom facilities be allowed in the structure.

534-538 BEACON ST.

534-538 BEACON ST.
(B. P.)

Z-3676

HARVARD BRIDGE

JAS J STORROW

EAST

FENS

PARKING

BAY

CHARLES GATE

MASSACHUSETTS

HEREFORD

MEMORIAL

DOCK

WHEELER

